

## WALPOLE ZONING BOARD OF APPEALS MINUTES OF FEBRUARY 22, 2021

A meeting of the ZONING BOARD OF APPEALS was held remotely via Zoom on MONDAY, FEBRUARY 22, 2021 AT 7PM. The following members were present on the Zoom Webinar:

John Lee (Chair), Susanne Murphy (Vice-chair), Bob Fitzgerald (Clerk), Jane Coffey, Drew Delaney, Ashley Clark (previous Community Development Director); Patrick Deschenes (Community Development Director) Amy Kwesell (KP Law); Sean Reardon (Tetra Tech)

Applicants & their team: David Hale (Omni); Leslie French (Omni); Lou Levine (Legal Counsel); Phil Macchi (Legal Counsel); Kenneth Cram (Bayside Eng.); Mark Brooks (Omni); Patrick Bogle (Howard Stein Hudson); Katie Enright (Howard Stein Hudson)

**Case No. 03-20**, 55 SS LLC., 51-53-55 Summer Street, Comprehensive Permit:

Lee opened the hearing, and stated that the board received a revised scope from Tetra Tech for further peer review in the amount of \$15,000.00. Murphy motioned to accept the revised peer review scope from Tetra Tech, seconded by Coffey, roll call vote: Lee-aye; Murphy-aye; Fitzgerald-aye; Coffey-aye; Delaney-aye. The motion carried 5-0-0.

Lee stated that comments from the Fire Dept. were submitted to the board, in which Clark stated that most comments have been addressed besides an outstanding comment regarding Roadway B. Clark stated that after talking with Mr. Barry of the Walpole Fire Dept., that at this point, the outstanding issues can be resolved with conditions worked into a decision versus altering the plan further. Hale stated that he is willing to sprinkle the portion of the project that is multifamily, however, does not plan on sprinkling the single family homes due to lack of requirement. Lee stated that not sprinkling the single-family structures could be a safety problem. Kwesell stated that she would like clarification on the name of the project, and asked the applicant if it will be one development, or if it will remain two? Hale stated that it will remain under two different names. Lee addressed the most recent peer review relating to the drainage. Reardon stated that everything that has been discussed to date that would fundamentally change the project has been addressed. Reardon stated he has gone through and summarized comments, and provided recommendations that should be included in the final plans. Reardon stated that there are a few details that need to be addressed with the S&W Dept., such as water pressure, however, the documents submitted by the applicant have proven that their proposal is sufficient. Fitzgerald asked about the fence constructed around the property boundary, and if it would necessitate amendments to the orders of conditions. Reardon stated that the recommendation was that the crafted condition allows the Conservation Commission to do as to what they see fit. Lee stated that the previous construction plans show the width of the frontage of the entrance way at 112 ft. (along Summer St. between train tracks and next property) however, the actual design plans depict 120 ft. of frontage, and is unsure which number is correct. Reardon stated that he would look at that detail and follow up on the matter at a later date. Lee asked Reardon what would happen if the redesign of the S. Walpole Square doesn't come to fruition, in which Mr. Reardon replied that the intersection would then have to handle the escalation of traffic over time, and the performance rating of the intersection would subsequently decrease. Lee asked what would happen if 150 units were built and the S. Walpole Square is not reconfigured, in which Kwesell stated that the applicant would then have to come back to the ZBA and request a modification of the decision. Lee stated that the latest letter submitted to the ZBA from Tetra Tech states that many of the previous issues have either been resolved, or can be resolved with a condition in the decision. Lee stated that at this point, the next step is to review the list of the most updated waivers that the applicant is requesting. Kwesell stated that she didn't have any comments on the comprehensive rules and regulations, and thought that the list of waivers was thoroughly put together. The board went through each waiver request individually, placing some waivers on hold for further discussion, and taking the magnitude of other waivers into consideration. After all of the waivers were discussed, Lee suggested that the board would like to continue the hearing to a date and time in

the future in order to allow any outstanding questions and concerns regarding the waivers to be addressed and answered. Lee asked where Town Counsel was regarding the draft decision, in which Kwesell responded that the draft decision is coming along, however she has to encompass the latest letter from Tetra Tech and the Fire Dept. Lee stated that if any board members have any specific conditions they would like incorporated into the decision that they send them to Messier, who will forward to Town Counsel. Hale agreed to an extension of time to keep the hearing opened to 3/2/21. Murphy motioned to continue the hearing to 3/1/21 at 7PM via Zoom, seconded by Coffey, roll call vote: Murphy-aye; Fitzgerald-aye; Coffey-aye; Delaney-aye; Lee-aye. The motion carried 5-0-0.

**Minutes:** No minutes were accepted at this time.

Murphy motioned to adjourn, seconded by Coffey, roll call vote: Lee-aye, Fitzgerald-aye, Coffey-aye; Murphy-aye, Delaney-aye, the motion carried 5-0-0.

**The meeting adjourned at 9:45 PM**

Accepted 5/5/21